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SUBJECT: PRESIDENT TADIC PROTESTS "HISTORIC INJUSTICE" OF
KOSOVO INDEPENDENCE BEFORE UNSC

11. (SBU) Summary. In a public meeting of the Security Council on February 18, SYG Ban said the situation on the ground in Kosovo remained calm following of the February 17 declaration of independence. Ban said he would continue to view UNSCR 1244 as the basis for UNMIK's operations, but may be required to make adjustments on the ground in reaction to changing events. Serbian President Tadic protested the DI as a violation of UNSCR 1244 and the sovereignty and territorial integrity of Serbia, calling it "an historic injustice" and declaring that Serbia will never recognize Kosovo. Tadic charged that recognition of Kosovo by EU countries on the Security Council was "not a friendly act" and "not helping Serbia's European future." In national statements, the U.S., UK and France said that they had already recognized Kosovo, and Belgium and Italy expressed intent to recognize. Costa Rica surprised Council members by announcing an intent to recognize Kosovo. Russia vowed to continue to recognize Serbia as including Kosovo. South Africa, China, Indonesia and Vietnam all either expressed opposition to or significant concerns regarding Kosovo's DI. Libya and Panama understood Kosovo's independence is a reality but insisted it should not be a precedent. Burkina Faso voiced regret that a compromise solution had not been possible. End Summary.

12. (SBU) In a public, televised emergency session on February 18, the Security Council considered Kosovo's December 17 declaration of independence. Secretary-General Ban Ki-moon briefed, Serbian President Tadic spoke, and each Council member intervened. Sixty-one UN member states observed the session. UN undersecretaries Jean-Marie Guehenno (Peacekeeping Operations) and Lynn Pascoe (Political Affairs) also attended. The Secretary's Special Representative for Kosovo, Ambassador Frank Wisner, joined the U.S. delegation.

SYG Ban Remains Solid With A Cautious, Factual Message

13. (SBU) In a briefing that largely reiterated points he had made in a February 17 closed session of the Council, SYG Ban stated that on February 17 Kosovo authorities had issued a declaration of independence (DI) following a resolution passed by the Kosovo Assembly by a unanimous vote of 109 deputies, with 10 ethnic Serb deputies not participating. Ban reported that the post-DI situation in Kosovo was calm with peaceful celebrations by Kosovo Albanians and peaceful protests by Serbs in North Mitrovica. He noted there had been several explosions in the northern Kosovo, but no casualties. Ban informed the Council that he had received a letter from President Tadic saying Kosovo's DI will have no

legal effect and said he "took note" of a letter from the EU's Solana informing him of the EU's decision to deploy the "EULEX" rule of law mission and to appoint an EU special representative.

14. (SBU) Ban said Kosovo's DI could have a significant operational effect on UNMIK and there might accordingly be a need to "adjust" UNMIK, pending Security Council guidance. He said he would continue to view UNSCR 1244 as the basis for UNMIK's operations pending any other guidance from the Council. He said he will act realistically and concretely and be ready to react to the situation on the ground in keeping with UNMIK's past practice and the UN's overriding objective of upholding peace and security in the region.

President Tadic Protests Kosovo's "Illegal Declaration"

15. (SBU) In an emotional address in Serbian, President Tadic denounced Kosovo's "illegal declaration of independence" as a "flagrant violation of 1244." He reminded all that Serbia is a founding member-state of the UN and charged that if "a small, peace-loving and democratic country can be deprived of its territory illegally and against its will, historic injustice will have occurred." He declared that the Serbian state had been born in Kosovo and is "a central part of our identity." He insisted that Kosovo's DI "annuls international law, tramples upon justice and enthrones injustice." Some point to Milosevic's actions as the reason Serbia must lose Kosovo, Tadic said, but Milosevic has been gone for years and Kosovo was not granted independence in 1999 when Milosevic was still in power. He alleged that for eight years UNMIK had done nothing to help Serbs in Kosovo and that if the DI is allowed to stand, the Security Council

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will lose all authority. He asked that the Council and Ban instruct SRSG Rucker to void Kosovo's DI and dissolve the Kosovo Assembly and said Serbia is taking its own diplomatic and political measures to prevent the secession of Kosovo. He pledged, however, that Serbia will not respond violently. Serbia will never recognize Kosovo and that Kosovo will stay part of Serbia forever, he said.

16. (SBU) Taking the floor a second time after member states had intervened, Tadic warned that other Council members could suffer Serbia's fate and pledged to defend "all small countries whose sovereignty and territorial integrity are threatened." He said the Ahtisaari Plan would rob Kosovo of part of its identity and had no legitimacy, especially in parts of Kosovo with majority Serb populations. He claimed he had extended apologies to all Balkan countries, but was still waiting for apologies for crimes committed against Serbia. He argued that "each state that recognizes Kosovo legalizes the expulsion of Serbs from their homes." Looking in the direction of Croatian Permrep Jurica, Tadic said "Croatia is a member of the Security Council," and asked that all members work to "help integrate the Balkans and not create new conflicts." He also wanted EU members to know that their recognition of Kosovo was "not a friendly act" and they were "not helping the European future of Serbia, but destabilizing the whole region."

Russia: Will Continue To Recognize Kosovo "Within Internationally Recognized Borders"

17. (SBU) Russian Permrep Churkin said he understood the reaction of Serbia and supports Belgrade's "legitimate demand to restore the territorial integrity of the country." He said Russia will continue to recognize Serbia within its "internationally recognized borders" and that Kosovo's DI violated Serbia's territorial integrity, the UN charter, UNSCR 1244, the Helsinki Final Act and the constitutional framework agreement. He said the SYG and SRSG should continue to carry out functions assigned in line with UNSCR

1244, including standards implementation. He called for the situation in Kosovo to be returned to the pre-DI status quo and voiced concern for Kosovo's ethnic Serbian municipalities. He said Russia will consider it unlawful for the international presences in Kosovo to carry out "repressive measures" against non-Albanians who do not accept the DI, also warning Kosovo authorities against such measures. Churkin alleged that the EU's deployment decision is not in line with 1244 and that the EU mission cannot be part of the international civil presence in Kosovo under UNSCR 1244. He warned that the DI and those who support it are creating a dangerous precedent.

China, Indonesia, Vietnam and South Africa Join Russia In
Hard-core Opposition To DI

¶8. (SBU) Chinese Permrep Wang expressed support for the Serbian and Russian requests for an emergency session. Wang stated that China is concerned by Kosovo's DI and has always believed that dialogue is the best solution and opposed unilateral acts. He said UNSCR 1244 remains the basis for the Kosovo question and stressed that the UN Charter says the sovereignty and territorial integrity of UN members must be preserved. He called on all parties to soberly assess the potential impact of Kosovo's DI and called on the Security Council and international community to encourage Kosovo and Serbia to continue discussion.

¶9. (SBU) Indonesian Permrep Natalegawa said that the developments in Kosovo are of profound concern. He said Indonesia is "mindful of the uniqueness of Kosovo," realizes it was profoundly affected by the breakup of Yugoslavia," and shares the suffering of the Kosovar people. However, he insisted, anyone could argue their case is unique, thus Indonesia steadfastly calls for dialogue as the solution to all conflicts. He noted that Indonesia understands the view that Kosovo's status quo is not sustainable, but does not believe all avenues have been exhausted. At a minimum, he said, the Council should continue to monitor closely the situation in Kosovo and transmit a message calling for restraint.

¶10. (SBU) Vietnamese Permrep Minh reminded the Council that

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Vietnam has consistently supported a solution in line with international law and UNSCR 1244 and called for dialogue. He argued that many UN member states and Security Council members consider Kosovo's DI counter to UNSCR 1244.

¶11. (SBU) South African Permrep Kumalo expressed full support for President Tadic's presentation. He said South Africa does not accept that negotiations cannot lead to an amicable conclusion. He said that South Africa -- as a member of the UN, NAM and AU -- respects the sovereignty and territorial integrity of states. He concluded by saying that South Africa will study the political and legal implications of Kosovo's DI and remain seized of the matter.

Costa Rica Joins Pro-Independence Bloc

¶12. (SBU) Belgian Permrep Verbeke told the Council that the parties' positions are irreconcilable and a negotiated solution could not be found after a long process, reminding all that the status quo was not tenable. He said Belgium intends to recognize and legal procedures are already under way. He concluded that Kosovo's independence is now a reality.

¶13. (SBU) Italian Deputy Permrep Mantovani underscored that Kosovo's DI was not a surprise and there is no reason to believe a few more months or even years of negotiations would have led to a mutually-acceptable agreement. He stated that clarity is needed on status and the Ahtisaari Plan is the

only way to proceed, short of agreement between the parties. Mantovani stated that Italy intends to swiftly recognize.

¶14. (SBU) UK Permrep Sawers informed the Council that the UK had already recognized Kosovo. He said Serbia had already deprived Kosovo of most of its powers in 1999 and that Serbia had not just stripped away Kosovo's autonomy, but tried to expel its entire Albanian population. Sawers stated that when Serbia changed its constitution to stipulate that Kosovo must always remain in Serbia, it removed any chance of a negotiated settlement.

¶15. (SBU) Costa Rican Permrep Urbina stated his country had looked carefully at arguments for and against recognizing Kosovo and will recognize. Costa Rica is convinced that recognition is in line with UNSC 1244 and believes peace and security are better served through a two-state solution. Urbina said Costa Rica does not want Kosovo to be a precedent.

¶16. (SBU) Croatian Permrep Jurica stated that Kosovo cannot be viewed in isolation of the history of the Balkan region, saying it was always a sui generis case, requiring a unique solution. He also noted Kosovo's pledge to implement the Ahtisaari Plan and protect minorities. Calling recognition a sovereign national decision, Jurica announced that Croatia will proceed in recognizing Kosovo "in accordance with the Croatian constitution and following a thorough analysis of all relevant facts." He continued that a European perspective will be best for peace in Kosovo. He concluded by saying Croatia wants to live peacefully with its neighbors.

¶17. (SBU) Ambassador Khalilzad stated that the U.S. had recognized a sovereign Kosovo earlier in the day and welcomed it to the family of nations. He framed the Kosovo issue in a historical context as the last chapter in the non-consensual breakup of Yugoslavia. Extensive negotiations had failed, he said, and UNMIK had exhausted its potential, thus Kosovo's independence was a logical, reasonable and legal response. He called the Ahtisaari Plan the only way forward, reminding all that the Security Council remains blocked. Rebutting legal concerns, Khalilzad said Kosovo's independence is not a violation of 1244, which did not pre-ordain a solution and recognized Kosovo as a special case in light of its unique history. Looking to the future, he said the time for scoring political points is over and all states should accept the new reality and help Southern Europe to move forward. Khalilzad offered U.S. support to President Tadic and encouraged all states to advocate normalization of Pristina-Belgrade relations.

¶18. (SBU) French Permrep Ripert announced that President Sarkozy had recognized Kosovo earlier in the day. He said the EU will assume its responsibilities and the EU's presence

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will assist Kosovo in implementation of the Ahtisaari Plan. He pointed to Tadic's re-election as a sign that the Serbian people want a European future.

Members Still Struggling With Recognition Question: Libya, Burkina Faso and Panama

¶19. (SBU) Libyan Permrep Ettalhi expressed hope that Kosovo's independence will not lead to a return of Balkan problems of the 1990,s. He said the Kosovo problem resulted from a lack of respect of the rights of minorities. He welcomed Tadic's pledge of non-violence and Kosovo's pledge to implement the Ahtisaari Plan. He said Libya is committed to the sovereignty and territorial integrity of member states and that Kosovo is not a precedent.

¶20. (SBU) Burkina Faso's Permrep Kafando stated that a compromise solution would have been a victory for the international community. He also expressed regret that Serbs

and Kosovars could not overcome their differences and he called for non-violence.

¶21. (SBU) Speaking in his national capacity, Panamanian Permrep Arias said that Kosovo's DI is now a reality. He called for the precedence of peaceful co-existence over political and geographic interests and said Kosovo should not be a precedent. He appealed to the majority of EU countries that recognized Kosovo to ensure the prompt entry of both Kosovo and Serbia into EU.
KHALILZAD